



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,905	12/27/2000	David Steading	36968/198824 (BS00431)	5246

7590 03/11/2005

Scott P. Zimmerman, PLLC
P. O. Box 3822
Cary,, NC 27519

EXAMINER

CHUNG, JASON J

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,905

Applicant(s)

STEADING ET AL.

Examiner

Jason J. Chung

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 21-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to amended claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson (US Patent # 6,016,141) in view of Lawler (US Patent # 5,699,107).

Regarding claim 1, Knudson discloses associating at least two events to create a package for offering to subscribers (column 6, lines 11-16 and column 6, lines 4-20). Knudson discloses multiple packages (figure 6).

Knudson discloses displaying to the subscribers information concerning the package (figure 7 [pricing and content information for sports package]; column 7, lines 8-18).

Knudson discloses upon selection by the subscriber, at least one of the at least two events comprising the package (figure 8 [pricing information for individual purchase of single event in the program package]; column 7, lines 30-47).

Knudson fails to disclose a schedule to automatically record. In analogous art, Lawler discloses a schedule (figure 6) to automatically record 130 (column 13, line 33-column 14, line

Art Unit: 2611

6; figure 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson to have a schedule to automatically record as taught by Lawler for the benefit of recording a user's favorite show in case the user misses the show or forgets to record the show.

Regarding claim 2, Knudson discloses the association step comprises combining events that are related by content, time, channel, or source (column 6, lines 4-14 [swimming events (i.e. same content)]; column 5 lines 52-60 [package comprising multiple movie channels]; column 6, lines 21-34).

Regarding claim 3, Knudson discloses the displaying step comprises providing a program guide and a navigator (figures 2, 7, 8) by which subscribers can access information of interest within the program guide (column 4, lines 23-65).

Regarding claim 8, the limitations in claim 8 have been met in claim 1 rejection. Knudson discloses the additional limitation of an EPG (figure 2) and set top box (column 3, lines 31-35). Knudson discloses the EPG operation at the set top box (column 4, lines 22-65).

Regarding claim 9, the limitations in claim 9 have been met in claim 2 rejection.

3. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson in view of Lawler in further view of Ellis (US Patent # 6,732,367).

Regarding claim 4, neither Knudson nor Lawler discloses initially showing packages so that only channel and time information are displayed.

Ellis discloses initially displaying packages wherein only the channel and time information for the package is displayed (figure 11; column 9, lines 47-55) for the benefit of blocking objectionable listings of individual events from being displayed to unauthorized users

(e.g. minors). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display of Knudson in view of Lawler to incorporate initially showing packages so that only the channel and time information concerning the packages are displayed as taught by Ellis for the benefit of blocking objectionable listings of individual events from being displayed to unauthorized users in a method for providing programming to users.

Regarding claim 5, Ellis discloses expanding the display to include the channel and time information concerning at least one of the events comprising the package (column 9, line 62-column 10, line 15 [providing detail upon entry of parental control code]).

4. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson in view of Lawler in further view of Ellis (US Patent # 6,604,240).

Regarding claim 6, neither Knudson nor Lawler discloses displaying to the subscribers information concerning packages in a collapsed mode.

Ellis discloses displaying information to subscribers concerning packages where only the time information concerning programming packages is displayed (figure 11; column 7, lines 16-22 [listing available packages and when packages will air]) for the benefit of providing a simplified view of available programming packages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display of Knudson in view of Lawler to incorporate displaying information to subscribers concerning packages where only the time information concerning the programming package is displayed as taught by Ellis for the benefit of providing a simplified view of available programming packages in a method for providing programming to users.

Regarding claim 7, the limitation is encompassed by the teachings of Knudson in view of Lawler in further view of Ellis as discussed above relative to claim 6. Specifically, Ellis further discloses an expanded display mode in which information concerning individual events within a package (i.e. group of special events) is displayed in an expanded display mode in which the time and channel information concerning the events are displayed (figure 8; column 6, lines 28-40) for the benefit of providing individual information for each event within a group.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display of Knudson in view of Lawler in further view of Ellis to include an expanded display mode in which the time and channel information concerning the events are displayed as further taught by Ellis for the benefit of providing individual information for each event within a group in a method for providing programming to users.

5. Claims 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US Patent # 6,604,240) in view of Knudson in further view of Lawler.

Regarding claim 10, Ellis discloses an EPG (figure 3) deployed on a STB or display device (figure 1, set top 34) for displaying to users information concerning programming (column 3, line 63-column 4, line 9).

Ellis discloses a screen showing at least two products for selection by the user, wherein at least a first product comprises two or more separate programming events (figure 11; column 7, lines 16-21 [listing of pay per view packages]).

Ellis discloses a control (figure 1, remote control 40) for allowing the user to select the first product and display additional information (column 3, lines 65-67 and lines 56-61).

Art Unit: 2611

[describing remote control operation of set top box]; column 7, lines 21-26 [additional information on selected package]).

Although Ellis discloses displaying additional information of a selected programming package (column 7, lines 22-24), Ellis fails to specifically disclose describing each of the programming events.

In analogous art, Knudson discloses displaying additional information describing each of the programming events (figure 7; column 7, lines 12-15). Describing each of the elements of a package (e.g. programming group) provides the typical benefit of providing a user with additional detail in order to encourage a purchasing decision.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display of Ellis to incorporate describing each of the programming events as taught by Knudson for the typical benefit of providing a user with additional detail in order to encourage a purchasing decision in an EPG.

Neither Ellis nor Knudson discloses a screen showing a schedule to automatically record. In analogous art, Lawler discloses a schedule (figure 6) to automatically record 130 (every week; column 13, line 33-column 14, line 6; figure 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis in view of Knudson to have a schedule to automatically record as taught by Lawler for the benefit of recording a user's favorite show in case the user misses the show or forgets to record the show.

Regarding claim 11, Ellis discloses the control is a remote control (column 3, lines 65-67 and lines 56-61).

Regarding claim 12, Ellis discloses a processor (microprocessor of set top 34; column 4, lines 1-6) is adapted to receive a command to cause the screen to show package information in a collapsed mode in which only limited scheduling information concerning the package's events are shown to the subscriber (figure 11; column 7, lines 16-21 [listing title and date of package]).

Regarding claim 13, Ellis discloses the processor implements a zoom mode (e.g. display of additional information) in which the subscriber may access additional information describing at least one of the two programming events within the package (column 7, lines 21-26).

Regarding claim 14, the combination of Ellis in view of Knudson in further view of Lawler is relied upon as discussed above relative to claim 12. Knudson further discloses the processor is programmed to autotune at least one of the two programming events within the package (figure 10; column 8, lines 3-5 [autotune reminder]; column 8, lines 25-44 [reminder operation in package programming]). Autotuning to a program provides the typical benefit of simplifying the viewing experience by eliminating the requirement of manually selecting the corresponding channel at the time of viewing.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combined system of Ellis in view of Knudson in further view of Lawler to include the processor that is programmed to autotune at least one of the two programming events within the package as further taught by Knudson for the typical benefit of simplifying the viewing experience by eliminating the requirement of manually selecting the corresponding channel at the time of viewing.

Regarding claim 15, Ellis discloses a method for organizing and presenting program information within a guide that is accessible by a subscriber who can thereby select programs of interest (figure 3; column 5, lines 25-38).

Ellis discloses displaying a product wrapper comprising at least two programming events and programming information associated with the package (figure 11; column 7, lines 16-21).

Ellis discloses allowing the subscriber to call up programming information associated with the event forming the package (column 7, lines 21-24 [highlighting selected package and pressing 'info']).

Ellis discloses allowing the subscriber to purchase the package (column 7, lines 24-26 [directing subscriber to ordering menu]; column 6, lines 6-19 [detailing ordering menu operation]).

Although Ellis discloses displaying additional information of a selected programming package (column 7, lines 21-24), Ellis fails to specifically disclose calling up programming information associated with each of the programming events forming the package.

In analogous art, Knudson discloses calling up additional information associated with each of the programming events (figure 7; column 7, lines 12-15). Describing each of the elements of a package (e.g. programming group) provides the typical benefit of providing a user with additional detail in order to encourage a purchasing decision. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display of Ellis to incorporate programming information associated with each of the events forming the package as taught by Knudson for the typical benefit of providing a user with additional detail in order to encourage a purchasing decision in an EPG.

Neither Ellis nor Knudson discloses a screen showing a schedule to automatically record. In analogous art, Lawler discloses a schedule (figure 6) to automatically record 130 (every week; column 13, line 33-column 14, line 6; figure 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis in view of Knudson to have a schedule to automatically record as taught by Lawler for the benefit of recording a user's favorite show in case the user misses the show or forgets to record the show.

Regarding claim 16, Knudson discloses displaying to the subscriber information selected from the group consisting of pricing, content and scheduling (figure 8 [pricing information for individual purchase of single event in the program package]; column 7, lines 30-47 [pricing and starting time; listing events within package]).

Regarding claim 17, Ellis discloses selecting whether a package or event is being purchased (column 7, lines 24-26 [directing subscriber to ordering menu]; column 6, lines 6-19 [detailing ordering menu operation]).

Regarding claim 18, Ellis discloses selecting comprises using a remote control to highlight the package and communicating to a content provider that the package is being purchased (column 7, lines 24-26 [directing subscriber to ordering menu]; column 6, lines 6-19 [detailing ordering menu operation]; column 4, lines 18-26 [communication to content provider]).

Regarding claim 19, Ellis discloses expanding the display to show additional information of a selected programming package (column 7, lines 21-24); highlighting at least one event (column 5, line 58-column 6, line 5); and communicating to a content provider that the at least one event is being purchased (column 4, lines 18-26).

Knudson discloses displaying additional information including individually showing the events forming the package (column 7, lines 12-15; figure 7).

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US Patent # 6,604,240) in view of Knudson in further view of Lawler in further view of Candelore (US Patent # 6,057,872).

Regarding claim 20, although Ellis in view of Knudson in further view of Lawler discloses pay per view programming as previously stated, neither Ellis, Knudson, nor Lawler discloses billing the subscriber.

In analogous art, Candelore discloses billing the subscriber for the purchased programming (column 8, lines 55-63 and column 10, lines 29-39). Billing a subscriber for programming purchase has the typical benefit of generating revenue for a programming provider. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis in view of Knudson in further view of Lawler to incorporate billing the subscriber for the purchased programming as taught by Candelore for the benefit of generating revenue for the programming provider in a system for distributing programming.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2611

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC


HAI TRAN
PRIMARY EXAMINER